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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,156	08/08/2001	Stephen Clark Purcell	BEL-019	3102
20350	7590	01/31/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			KNOLL, CLIFFORD H	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/925,156	Applicant(s) PURCELL ET AL.	
	Examiner Clifford H Knoll	Art Unit 2112	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Arguments

Applicant's arguments filed 1/11/05 have been fully considered but they are not persuasive.

Applicant argues that Wellen does not "describe a slice of a switch", "each slice selecting a portion of message independently", nor "a first slice and a second slice handling different portions of the same message" (p. 7); however these features are found in Wellen, who discloses a message as having portions which comprise packets, which are subject to independent scheduling (e.g., paragraph 29). Any distinction intended is not supported by the claims, nor by features as they are interpreted in light of the specification. In particular, Applicant's reference to "portions of the message... transferred in parallel" (p. 8), presented in the course of describing the invention, do not find support, in particular with respect to parallel transfer.

Applicant further argues that Wellen "does not teach or disclose separate components, such as a slice, where each includes a buffer, a multiplexer, and an arbiter. Therefore, there is no disclosure of a step involving such a slice" (p. 9); however, these features, which might have distinguished the recited slice, are not themselves recited and thus receive no support.

Applicant further argues that in Wellen, "the data packets from the same message must be bound for the same output port. Thus in Wellen, all of the data packets from the same message transfer through the same queue (slice) which prohibits identifying differing portions of the same message in different slices" (p. 10);

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however, the interpretation of Wellen does not rely on mapping the individual queues of Wellen to the broadly claimed slice; rather, each packet of a message claims a different slice of the switch as it is assigned by the scheduler.

Applicant argues that Chiussi, like Wellen, does not “describe a slice of a switch”, “each slice selecting a portion of message independently”, nor “a first slice and a second slice handling different portions of the same message” (p. 11); however these features are found in Chiussi, who discloses a message as having portions which comprise packets, which are subject to independent scheduling (e.g., col. 8, lines 52-61).

Applicant further argues that in Chiussi “each queue does not have its own arbiter” (p. 11); however, as in Wellen, the interpretation of Chiussi does not rely on mapping the individual queues to the broadly claimed slice; rather, each packet of a message claims a different slice of the switch as it is assigned by the scheduler. Thus it is determined that Chiussi discloses the “slice[s] of a switch” as they are recited.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H Knoll whose telephone number is 571-272-3636. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mark H Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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